

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE H. SPIKER, JR.,

Plaintiff,

v.

Civil Action No. **3:23CV682**

SUSSEX I STATE PRISON, et al.,


Defendants.

MEMORANDUM OPINION

On November 3, 2023, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on December 21, 2023, the Court directed Plaintiff to pay an initial partial filing fee of \$9.65 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within thirty (30) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Instead, the Court received a response drafted by another inmate that was not a sworn statement by Plaintiff indicating that he could not pay the fee. (ECF No. 8.) Accordingly, by Memorandum Order entered on February 16, 2024, the Court directed Plaintiff to either pay the initial partial filing fee of \$9.65 or state under penalty of perjury that he did not have sufficient assets to pay such a fee, within twenty (20) days of the date of entry thereof. (ECF No. 9.) More than twenty (20) days have elapsed, and Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Plaintiff, therefore, is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 3/20/24
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge